IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.13172 of 1998

Dated: 27-02-2007

Between:

Jana Rama Rao, Prop. Chandana Exclusive Wears,
M.G. Road, Vizianagaram.

... Petitioner

and

1. The Superintendent Engineer, Operation,
   Andhra Pradesh State Electricity Board,
   Vizianagaram and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the order dated 28-01-1997 issued in Lr.No.DEE/O/VZM/Techl/F.DKT/D.No.236/97, by the Divisional Electrical Engineer, Operation, Andhra Pradesh State Electricity Board, Vizianagaram, as illegal and arbitrary.

2. It is the case of the petitioner that he is doing business under the name and style of 'Chandana Exclusive Wears' in the second floor of the building belongs to one Srirama Narayana Rao, by taking the same on lease and he obtained electricity Service Connection No.27981, under LT category power supply. It is stated that first floor of the said building was taken on lease by M/s. Chandana Ladies & Gents Cloth Showroom, which is a partnership bearing Service Connection No.21438 and the petitioner has nothing to do with the said firm. The grievance of the petitioner is that even though he has nothing to do with the said firm, the second respondent issued the impugned order, by clubbing both the Service Connections, directing him to register HT application for conversion from LT tariff to HT tariff.

3. The main contention of the learned counsel for the petitioner is that the petitioner's Service Connection is 27981 and he has nothing to do with the Service Connection No.21438 and it belongs to M/s. Chandana Ladies & Gents Cloth Showroom, which is entirely a different Unit. However,
the authorities clubbing both the Service Connections arrived at the figure of 105.45 HP and thus passed the impugned order stating that the petitioner is required to convert the said connection from LT to HT.

4. Despite the fact that *Rule nisi* was issued and the respondents were directed to file counter affidavits, the respondents have not chosen to file any counter affidavits.

5. Having heard learned counsel for the petitioner and upon perusing the material on record, this Court is of the view that there is no other go except to accept the contention put forth by the learned counsel for the petitioner. When once it is totally disputed stating that

the petitioner has nothing to do with the other Service Connection bearing No.21438, it is not known as to how the respondents can club the said Service Connection with the Service Connection of the petitioner. Accordingly, this Court is of the view that the orders impugned is liable to be set aside.

6. In the result, the writ petition is allowed and the orders impugned dated 28-01-1997 directing the petitioner to convert his Service Connection from LT to HT, is set aside. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.27-02-2007
GLV